S.B. Civil Second Appeal NO.289/2005
Pawant Lal @ Pawan Kumar & Ors.
vs
Tej Keran & Ors.

DATE OF ORDER : - 23.8.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr.Parikshit Nayak, for the appellant.
Mr. PS Chundawat, for the respondents.

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Heard learned counsel for the parties and perused the record.

A suit for possession was decreed by the trial court vide judgment and decree dated 2.2.98. The plaintiffs' case was that the suit property was let out to defendant no.1 Jaswant Lal and the rent of the premises was for sum of Rs.41/- per month. The defendant no.1 let out the property to the defendants no.2 and 3 without the permission of the landlord and since the defendant no.1 sub-let the suit property, therefore, the landlord-plaintiff is entitled for the decree of eviction of the tenant as well as of the sub-tenants. The plaintiff also claimed that the property is required for the personal use of the plaintiff. Yet another ground for eviction is that the defendants committed default of payment of rent. The suit was contested by defendants no.2 and 3 by filing written statement. The defendants no.2 and 3 denied that they took the premises on rent from the defendant no.1 and in fact, the

defendants no.2 and 3 are the tenant in the shop. The defendants further denied any need of the plaintiff for the property in question. The two courts below held that the suit property was let out to the defendant no.1 and for that purpose rent deed Ex.1 was executed by Jaswant Lal. The courts below also held that the defendant no.2 and 3 are the sub-letee in the shop without the permission of the landlord. The court below also held that the defendants committed default in payment of rent and suit premises is required for the personal need of the plaintiff. After deciding other issues against the defendants, the trial court decreed the suit vide judgment and decree dated 2.2.1998, against which appellant preferred appeal, which was dismissed by the appellate court on 17th May, 2005. The appellate court also upheld the finding recorded by the trial court after considering the facts and the evidence in detail.

According to learned counsel for the appellant, the appellants are tenants in the shop and the property was never let out to Jaswant Lal alleged tenant. It is also submitted that the rent deed Ex.1 is fabricated and forged one.

I considered the submissions of learned counsel for the parties and perused the reasons given in the two judgments. It is clear from the finding recorded by the two courts below that both the courts below

carefully considered the evidence of both the parties and also relied upon the documentary evidence Ex.1, the rent deed, therefore, it cannot be said that that courts below have committed any error of fact or law. No substantial questions of law are involved in this appeal.

Hence, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-